

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Atty Dkt. 124-838

C# M#

In re Patent Application of

Group Art Unit: 2839

SMITH et al.

Serial No. 09/762,805

Examiner: M. Zarroli

Filed: February 13, 2001

Date: January 12, 2004

Title: FABRICATION OF OPTICAL WAVEGUIDES

JAN 12 2004

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

 Correspondence Address Indication Form Attached. **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner. (\$ 330.00) \$

- | | | | |
|-------------------------------------|--|--------------------|----------|
| <input checked="" type="checkbox"/> | An appeal BRIEF is attached in triplicate in the pending appeal of the above-identified application (\$ 330.00) | \$ | 330.00 |
| <input checked="" type="checkbox"/> | Credit for fees paid in prior appeal without decision on merits | -\$ (| 330.00) |
| <input type="checkbox"/> | A reply brief is attached in triplicate under Rule 193(b) | | (no f e) |
| <input type="checkbox"/> | Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months; \$1480.00/4 months) | \$ | |
| <input type="checkbox"/> | Applicant claims "Small entity" status, enter ½ of subtotal and subtract
□ "Small entity" statement attached. | SUBTOTAL | \$ 0.00 |
| | | SUBTOTAL | \$ 0.00 |
| Less | month extension previously paid on | -\$(| 0.00) |
| | | TOTAL FEE ENCLOSED | \$ 0.00 |

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
 By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: 